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EXAMINER
LEBASSI, AMANUEL

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 January 2010</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>22-26,28-40 and 42</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>22-26,28-40 and 42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 22-26, 28-40 and 42 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 22-26 and 36-39 are rejected under 35 U.S.C. 102(b) as being

unpatentable by Lunsford et al. US 20020065041.

        Regarding claim 22, Lunsford discloses a method for wireless data

transfer between a first multimedia device and a second multimedia device,

which first multimedia device and second multimedia device are connected via a

point-to-point wireless connection that is operated operable according to a first

wireless standard and to a second wireless standard, which first wireless

standard and second wireless standard are different from and/or not compatible

with each other **(abstract, wireless communication method for secure**

transmission of data between mobile computing devices and paragraph

[0027] where the two devices operate under different standards – cell

phone under a cellular and a PID such as lap top computer in WLAN).

Lunsford discloses an application data receiving in which application commands,

application parameters, and application data of the first wireless standard are

received by the first multimedia device from an application of the first multimedia

device **(paragraph [0049] where the additional input/output interface permits**

user input and commands to be input through buttons). Lunsford discloses

a connection layer processing in which the application commands, application

parameters, and application data are processed by the first multimedia device to

obtain respective connection commands, connection parameters, and connection

data of the first wireless standard **(paragraph [0049] where audio data signals**

or picture telephone video input may be entered through the additional

input/output interface). Lunsford discloses a choosing in which at least one of

the first wireless standard and the second wireless standard is chosen as a

chosen wireless standard by the first multimedia device **(paragraph [0051]**

where the PID (Bluetooth standard) and the telephone (cellular standard)).

Lunsford discloses an adaptation layer processing in which, if the chosen

wireless standard is different from a currently applied wireless standard, a

standard conversion is performed, wherein the connection commands,

connection parameters, and connection data are converted into respective

processed connection commands, processed connection parameters, and

processed connection data of the chosen wireless standard **(paragraph [0050] -**

adaptation Layer) and a sending in which the processed connection commands

processed connection parameters and processed connection data are sent out

by the first multimedia device via the wireless connection according to the

chosen wireless standard (**paragraph [0059] – where the data is send by the**

first multimedia device via the wireless connection according to the chosen

wireless standard – Bluetooth).

Regarding claim 23, Lunsford discloses a method for wireless data

transfer between a first multimedia device and a second multimedia device,

which first multimedia device and second multimedia device are connected via a

point-to-point wireless connection that is operable according to a first wireless

standard and to a second wireless standard, which first wireless standard and

second wireless standard are different from and/or not compatible with each

other (**abstract, wireless communication method for secure transmission of**

data between mobile computing devices and paragraph [0027] where the

two devices operate under different standards – cell phone and a PID such

as lap top computer). Lunsford discloses a transmission data receiving in

which transmitted wireless data are received by the second multimedia device,

which transmitted wireless data having been transmitted via the wireless

connection according to a chosen wireless standard that is at least one of the

first wireless standard and the second wireless standard (**paragraph [0049]**

where the additional input/output interface permits user input and

commands to be input through buttons). Lunsford discloses an adaptation

layer processing in which, if the chosen wireless standard is different from a currently applied first wireless standard, a standard conversion is performed by the second multimedia device, wherein the transmitted wireless data are processed to obtain connection commands, connection parameters, and connection data of the chosen wireless standard (**paragraph [0050] - adaptation Layer**). Lunsford discloses a connection layer processing in which the connection commands, connection parameters, and connection data of the application wireless standard are converted into respective application commands, application parameters, and application data of the chosen wireless standard (**paragraph [0049] where audio data signals or picture telephone video input may be entered through the additional input/output interface**).; and an application data processing executed by the second multimedia device, wherein the application commands, application parameters, and application data are provided to an application of the first multimedia device (**paragraph [0049] where the additional input/output interface permits user input and commands to be input through buttons**)..

Regarding claim 24, Lunsford discloses wherein a switching of the chosen standard from the first wireless standard to the second wireless standard is performed by: opening a new and temporary additional wireless connection between the first multimedia device and the second multimedia device operating according to the second wireless standard, choosing the second wireless

standard as the chosen wireless standard, and operating the new wireless

connection as the wireless connection (**paragraph [0010]**).

Regarding claim 25, Lunsford discloses wherein the method for wireless

data transfer realizes a point-to-point connection between the first multimedia

device and the second multimedia device (**paragraph [0010] where the**

Bluetooth system also provides a point-to-point connection).

Regarding claim 26, Lunsford discloses wherein the adaptation layer

processing is performed within an adaptation layer (**paragraph [0050]**).

Regarding claim 36, Lunsford discloses wherein the first wireless standard

and the second wireless standard are any of the following standards: IEEE 802.1

la, IEEE 802.1 lb, Bluetooth (BT), ZigBee, or IEEE 802.15.3; and the connection

commands, connection parameters, and/or connection data correspond to any of

the following standards: UDP/TCP, Bluetooth (BT) (**paragraph [0010]-**

Bluetooth (BT)).

Regarding claim 37, Lunsford discloses a wireless data transfer system

which is capable of and/or has means for performing or realizing a method for

wireless data transfer according to claim 22 (**see abstract**).

Regarding claim 38, Lunsford discloses a computer program product

comprising computer program means adapted to perform and/or to realize a

method for wireless data transfer according to claim 22, when the method is

executed on a computer or a digital signal processing means **(paragraph [0024]-**

where terms such as "implementing," "transferring," "executing,"

"configuring," "initializing," or the like, refer to the actions and processes

of an embedded computer system, or similar embedded electronic

computing device).

Regarding claim 39, Lunsford discloses a computer-readable storage

medium comprising a computer program product according to claim 38

(paragraph [0024]).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 28-35, 40 and 42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lunsford et al. US 20020065041 in view of Fujioka US 6907227.

Regarding claim 40, Lunsford discloses a multimedia device connected with a further multimedia device via a <u>point-to-point</u> wireless connection that is operated operable according to a first wireless standard and to a second wireless standard, which first wireless standard and second wireless standard are different from and/or not compatible with each other (**abstract, wireless communication method for secure transmission of data between mobile computing devices and paragraph [0027] where the two devices operate under different standards – cell phone and a PID such as lap top computer**). Lunsford discloses a connection layer configured to receive application commands, application parameters, and application data of the first wireless standard from an application layer, and further configured to process the application commands, application parameters, and application data, thus generating respective connection commands, connection parameters, and connection data of the first wireless standard (**paragraph [0049] where audio data signals or picture telephone video input may be entered through the additional input/output interface**). Lunsford discloses a <u>managing</u> unit configured to <u>set at least one of</u> the first wireless standard and the second wireless standard as a chosen wireless standard (**paragraph [0050] - the Link Manager Protocol Layer which sets a wireless standard**). Lunsford discloses an adaptation layer configured to, if the <u>managing</u> unit changes from the first wireless standard into the second wireless standard or vice versa, perform a standard conversion, wherein the connection commands, connection

parameters, and connection data are converted into respective processed

connection commands, processed connection parameters, <u>and</u> processed

connection data of the chosen wireless standard **(paragraph [0050] -adaptation**

Layer) and a sending unit configured to send out the processed connection

commands, processed connection parameters, and processed connection data

via the wireless connection according to the chosen wireless standard

(paragraph [0049] - Input/output interface unit configured to send out the

processed connection commands). Lunsford discloses a <u>managing</u> unit

configured to <u>set at least one of</u> the first wireless standard and the second

wireless standard as a chosen wireless standard **(paragraph [0050] - the Link**

Manager Protocol Layer which sets a wireless standard). But Lunsford is

silent configured to <u>set at least one of</u> the first wireless standard and the second

wireless standard as a chosen wireless standard <u>depending on at least one of</u>

<u>signal strength, quality of service of the wireless connection, a distance between</u>

<u>the multimedia device and the further multimedia device, and/or depending on a</u>

<u>direct request from the application</u>.

Fujioka teaches a <u>managing</u> unit configured to <u>set at least one of</u> the first

wireless standard and the second wireless standard as a chosen wireless

standard <u>depending on at least one of signal strength, quality of service of the</u>

<u>wireless connection, a distance between the multimedia device and the further</u>

<u>multimedia device, and/or depending on a direct request from the application</u>

(col. 7 lines 64-67 - QOS).

At the time of invention, it would have been obvious to a person of ordinary skill to modify the invention of Lunsford and Fujikola's. The motivation would be because standards depend on distance (**col. 1, lines 21- 29**).

Regarding claim 28, Lunsford discloses wherein the chosen wireless standard is chosen depending on properties of the wireless connection, a distance between the first multimedia device and the second multimedia device, and/or depending on direct requests from the application (**paragraph [0011]- wireless standard chosen depending a distance between the first multimedia device and the second multimedia device**).

Regarding claim 28 Lunsford is silent wherein the chosen wireless standard is chosen depending on properties of the wireless connection, a distance between the first multimedia device and the second multimedia device, arid/or depending on direct requests from the application.

Fujioka teaches wherein the chosen wireless standard is chosen depending on properties of the wireless connection, a distance between the first multimedia device and the second multimedia device, arid/or depending on direct requests from the application (col. 4 lines 40-48).

At the time of invention, it would have been obvious to a person of ordinary skill to modify the invention of Lunsford and add wherein the chosen wireless standard is chosen depending on properties of the wireless connection,

a distance between the first multimedia device and the second multimedia

device, arid/or depending on direct requests from the application. The motivation

would be because standards depend on distance (col. 1, lines 21- 29)

Regarding claim 29, Fujioka teaches wherein the chosen wireless

standard is chosen depending on a battery condition of the first multimedia

device and/or depending on a battery condition of the second multimedia device

(**Fig. 3 and col. 5, line 23-36, depends on battery power**).

Regarding claim 30, Fujioka teaches wherein the properties of the

wireless connection comprise signal strength, quality of service, and energy

efficiency (col. 7 lines 64-67 - QOS).

Regarding claim 31, Fujioka teaches wherein the distance between the

first multimedia device and the second multimedia device is determined based on

positioning system data (col. 10 lines 65-67 - distance).

Regarding claim 32, Fujioka teaches wherein the choosing of the chosen

wireless standard is performed by a management unit (col. 6 lines 23-26).

Regarding claim 33, Fujioka teaches wherein the first multimedia device is a video camcorder and the second multimedia device is a data processing means (col. 4 lines 62-67).

Regarding claim 34, Fujioka teaches wherein the data processing means is a personal computer, a notebook, a video recorder, a television set, personal digital assistant, a portable phone, a stereo headphone, and/or a mobile video viewer (see abstract).

Regarding claim 35, Lunsford discloses wherein the management unit informs the application which chosen wireless standard is chosen and the application adjusts a bit rate of the application data depending on the chosen wireless standard **(paragraph [0023]).**

Regarding claim 42, Lunsford discloses Multimedia device according to claim 40, wherein the multimedia device is a video camcorder, personal computer, notebook, video recorder, television set, personal digital assistant, or a portable phone **(paragraph [0002]- where the PID device includes Pilot, and Pilot 1000, Pilot 5000, Palm Pilot, Palm Pilot Personal, Palm Pilot Professional, Palm, and Palm III, Palm V, Palm VII, as well as other products sold under such trade names as Work Pad; Franklin Quest, and Franklin Convey and mobile phones).**

Conclusion

1.   Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

2.   Any inquiry concerning this communication or earlier communications from the
Examiner should be directed to Amanuel Lebassi, whose telephone number is (571)
270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to
5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-

8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist/customer service whose telephone number is

(571) 272-2600.

Amanuel Lebassi

/A. L./

4/02/2010

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617